

REMARKS

In response to the Office Action dated July 23, 2003, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-3 and 6-8. The allowance of claims 4 and 5 is noted, with appreciation.

Claims 1-3 and 6-8 were rejected under 35 U.S.C. §102, on the grounds that they were considered to be anticipated by the newly-cited *Herrendoerfer et al.* patent. It is respectfully submitted, however, that the *Herrendoerfer et al.* patent does not qualify as prior art against the present application. Specifically, the present application is a national stage of International Application No. PCT/FR 99/01517, which designated the United States. Accordingly, the filing date of the present application is the same as the filing date of the international stage application, namely June 24, 1999. See 35 U.S.C. §363, as well as MPEP §1893.03(b). The effective prior art date of the *Herrendoerfer et al.* patent is its filing date, i.e. November 19, 1999. Since that date is subsequent to the filing date of the present application, the *Herrendoerfer et al.* patent does not qualify as prior art.

Furthermore, it is respectfully submitted that the *Herrendoerfer et al.* patent does not disclose an electronic chip card having the combination of features recited in claim 1, and therefore does not anticipate this claim, nor any of its dependent claims. Since the reference does not qualify as prior art, a detailed discussion of the differences between its disclosure and the claimed subject matter is not necessary.

In response to the objection to claims 1, 4 and 8, these claims have been revised to remove the term "can be."

In view of the foregoing, it is respectfully submitted that all pending claims are allowable, and a notice to that effect is respectfully solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 24, 2003

By: _____



James A. LaBarre

Registration No. 28,632

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620